REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 3, 2006 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the §112, second paragraph, rejection of Claims 35 and 36, Applicant has amended the claims to change each instance of the term "the use voucher" to read "the use authorization voucher". This change is consistent with the language used in independent Claim 34 and is believed to overcome the rejection. Applicant accordingly requests that the rejection be withdrawn.

Regarding the rejection of Claim 41 under 35 U.S.C. §101 as allegedly not being directed to non-statutory subject matter, Applicant respectfully traverses. The Examiner asserts that Claim 41 is not limited to tangible embodiments but admits that the instant Specification teaches Claim 41 as reading on tangible embodiments, for example, "optical magnetic disc, RAM, CD ROM, PROM . . .". The Examiner does not identify, nor is Applicant aware of, any portion of the MPEP that requires a claim be limited to tangible embodiments. Applicant notes that MPEP §2106(IV)(2)(b) indicates that computer-related processes limited to a practical application in the technological arts are statutory subject matter. The Examiner has not asserted that Claim 41 is not directed to a practical application, and at least the limitations directed to obtaining value-added service information from one or more of a terminal and a network system and providing the obtained value-added service information to a service provision infrastructure are directed to practical applications. The Examiner acknowledges that Claim 41 reads on tangible embodiments, and Claim 41 is directed to a practical application in the technological arts. Thus, Applicant submits that Claim 41 is directed to statutory subject matter. If the Examiner were to maintain the rejection, Applicant requests further clarification and an opportunity to respond.

Applicant respectfully traverses each of the prior art rejections (§§102(e) and 103(a)) based upon U.S. Publication No. 2003/0018704 by Polychronidis et al. (hereinafter "Poly"), because the cited reference does not teach each of the claimed limitations. For

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example, Poly does not teach facilitating access by the network applications to value-added services provided at least in part by the terminals, as claimed, *e.g.*, in independent Claims 30, 33, and 41. Poly does not teach accessing or communicating with a mobile device. Paragraph [0020] of Poly specifically states: "it is desirable to provide user presence and location information to applications which require such information, from a source other than the mobile (wireless) device." Moreover, none of the cited portions of Poly teach an NPL (asserted as corresponding to a network service broker) coupled to a terminal. Thus, Poly does not teach accessing value-added services provided by terminals, as claimed. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper. Applicant accordingly requests that they be withdrawn.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent claims 1, 18, and 40 to further characterize that a network service broker comprises at least one terminal-coupled broker to communicate with one or more terminals. These changes merely include adding limitations of previously pending Claim 7; therefore, the amendments do not introduce new matter. As Poly fails to correspond to the claimed invention as discussed above, Applicant submits that the claims are allowable and the rejections should be withdrawn.

Dependent Claims 2-17, 19-30, 31 and 32 depend from independent Claims 1, 18, and 30, respectively. Each of these dependent claims also stands rejected in view of Poly. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 18 and 30. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 2-17, 19-30, 31 and 32 are also allowable over the teachings of Poly.

With particular respect to the §103(a) rejection of dependent Claims 9-10, 12 and 16-17 based upon the combination of Poly and U.S. Publication No. 2003/0013434 by Rosenberg et al. (hereinafter "Rosenberg"), Applicant respectfully traverses. As discussed above, Poly fails to correspond to the limitations of independent Claim 1 (from which Claims 9-10, 12 and 16-17 depend). The Examiner's further reliance on Rosenberg does not overcome the above-discussed deficiencies in the teachings of Poly. Thus, the asserted combination of Poly and Rosenberg does not teach each of the claimed limitations of dependent Claims 9-10, 12 and 16-17, and the rejection should be withdrawn.

Claims 34-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,957,262 to Kimura et al. (hereinafter "Kimura") in view of U.S. Patent No. 6,742,036 to Das et al. (hereinafter "Das"). Applicant respectfully traverses the rejection because the cited references, alone or in combination, do not teach each of the claimed limitations. For example, Kimura at least does not teach receiving, at the service provision infrastructure, an address of the visited network service broker from a home network service broker associated with a home network, as claimed. The Examiner appears to assert that Kimura's server corresponds to the claimed service provision infrastructure. However, such an assertion would be erroneous as Kimura expressly teaches determining the current location of a mobile terminal "not using the home network" (column 6, lines 9-13). Thus, Kimura's server does not, and would not, receive an address of the visited network service broker from a home network service broker associated with a home network, as claimed. Moreover, Kimura does not discuss service brokers, as claimed, or any accessing of service functionality available from a visited network. The Examiner's reliance upon Das does not overcome the above-discussed deficiencies in Kimura as Das also does not discuss, at least, the claimed service brokers. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejections are improper and should not be maintained.

As neither of the asserted references teaches the above-discussed limitations, a combination of the references must also fail to teach the limitations. Since the above-discussed limitations are included in independent Claims 34, 38 and 39, the rejection of

each of these independent claims is improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 35-37 depend from independent Claim 34. Each of these dependent claims also stands rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed combination of Kimura and Das. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claim 34. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 35-37 are also allowable over the combination of Kimura and Das.

In addition to having to show that the asserted combination of references teaches or suggests all of the claim limitations, the Examiner must show evidence of motivation to combine these references as asserted. Applicant respectfully submits that this requirement has not been met.

The requisite evidence of motivation to combine the cited references as asserted has not been presented, nor does such motivation exist based on the cited references. In the Office Action, the proffered motivation to combine the references is to "support mobility in the internet and allow user moved from home ISP to visited ISP". This is not evidence of motivation to combine the teachings of Das with the teachings of Kimura but rather, is a generalized statement of what is asserted as being taught by Das. Moreover, Kimura already teaches a manner of a mobile device receiving data while in a foreign network, *e.g.*, moving from a home ISP to a visited ISP. No evidence has been provided that a skilled artisan would have attempted to introduce the authentication methods of Das to the teachings of Kimura.

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The examiner must show some objective teaching leading to the asserted combination. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). Since neither Kimura nor Das discuss service brokers, they would have provided insufficient guidance for a skilled artisan having these references before him/her to make the combination suggested by the Examiner. Applicant respectfully asserts that the Examiner's conclusion of obviousness is, instead, based on improper hindsight reasoning using knowledge gleaned only from Applicant's disclosure. As stated by the Federal Circuit:

> Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.

In re Dembiczak, 50 USPQ2d 1614, (Fed. Cir. 1999) (*citing Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985)). Without a suggestion of the desirability of "the combination," a combination of such references is made in hindsight, and the "range of sources available, however, does not diminish the requirement for actual evidence." *Id.* It is a requirement that actual evidence of a suggestion, teaching or motivation to combine prior art references be shown and that this evidence be "clear and particular." *Id.* Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

Applicant further respectfully submits that the asserted combination simply does not contemplate the proposed combination. This piecemeal selection of elements is tantamount to mixing teachings out of context. Such a rejection is not permissible under §103. *See In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000) (proposed modification must not be made in the abstract but rather made in view of the entire teaching of the prior art).
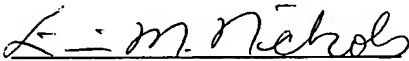
There is nothing in the references or what is in the ordinary skill in the art that would lead to combining the cited references as asserted – rather, the proffered motivation is made in hindsight. For at least the aforementioned reasons, Applicant respectfully submits that a case of *prima facie* obviousness has not been satisfied for lack of a presentation of evidence of motivation to combine the cited references. Applicant accordingly requests that the rejection be withdrawn.

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Authorization is given to charge Deposit Account No. 50-3581 (NOKM.015CIP) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

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Date: September 28, 2006   By: _Erin M. Nichols_

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